IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 24966 of 2006(V)

PETITIONER:

U.V.JOSE, S/O.VARGHESE,
AGED 37 YEARS, RESIDING AT UKKAN HOUSE, XII/485,
CHALAKKUDY, MANAGING DIRECTOR,
ANAMALAI, SAFARI, TRAMWAY LANE,
CHALAKKUDY, THRISSUR.

BY ADV. SRI.N.MAHESH

RESPONDENTS:

1. THE CHIEF CONSERVATOR OF FORESTS,
FOREST HEAD QUARTERS, VAZHUTHACAD, THIRUVANANTHAPURAM.

2. THE CHIEF WILD LIFE WARDEN, KERALA, THIRUVANANTHAPURAM.

*3. V.SREEKUMAR, S/O. M.VASUDEVAN NAIR,
KONGARETTU HOUSE, MATHILBHAGAM, THIRUVALLA.
(*IMPLEADED AS ADDITIONAL R3 AS PER ORDER DATED 11/04/2007 IN IA NO. 5530/07)

**4. THE COMMISSIONER, GURUVAYOOR DEVASWOM BOARD, GURUVAYOOR.

**5. THE COMMISSIONER, TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM.

**6. THE COMMISSIONER, COCHIN DEVASWOM BOARD, COCHIN.

**7. THE COMMISSIONER, HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS DEPT., KOZHIKKODE.
(** IMPLEADED AS ADDITIONAL R4 TO R7 AS PER ORDER DATED 11/04/2007)

***8. THIRUVAMBADY DEVASWOM, THRISSUR. REP. BY ITS SECRETARY
PROF.MADHAVANKUTTY, SREEPADAM, SHORNUR ROAD, THRISSUR.

***9. THE PARAMEKKAVU DEVASWOM, THRISSUR – 1. REP. BY
ITS SECRETARY.
(***IMPLEADED AS ADDITIONAL R8 & R9 AS PER ORDER DATED 12/04/2007 IN IA NOS. 5662/07 & 5665/07 RESPECTIVELY)

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****10. THIRUVILWAMALA PARAKKOTTUKAVU TALAPOLI
EKOPANA SAMITHY, REPRESENTED BY ITS
JOINT SECRETARY K.GOPAKUMAR, THIRUVILWAMALA,
THRISSUR DISTRICT.
(****IMPLEADED AS ADDITIONAL R10 AS PER ORDER DATED 13/04/2007 IN IA NO. 5660/2007)

BY SRI.S.SUBHASH CHAND
SRI.K.RAMAKUMAR
SRI.N.K.SUBRAMANIAN
SRI.M.P.ASHOK KUMAR
ADV. SHRI.RANJIT THAMPAN, GOVERNMENT PLEADER
ADV. SHRI.P.PARAMESWARAN, ACGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ALONG WP(C) NOS. 31503/03, 33554/03 & CONNECTED CASES
ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NEWS ITEM REPORT BY UNI DATED 27/10/2005.

P2 : COPY OF THE APPLICATION DATED 08/08/2006 BEFORE THE 2ND RESPONDENT.

P3 : COPY OF THE ORDER DATED 22/08/2006 PASSED BY 2ND RESPONDENT.

P4 : COPY OF THE JUDGMENT IN WP(C) No. 29624/2005 DATED 04/11/2005 OF THIS HONOURABLE COURT.

P5 : COPY OF THE ORDER IN WP(C) No. 22978/2005 DATED 02/08/2005 OF THIS HONOURABLE COURT.

RESPONDENT'S EXHIBITS

R2(a) : COPY OF THE JUDGMENT DATED 16/12/2005 IN WP(C) No. 35184/2005.

R2(b) : COPY OF RELEVANT EXTRACT PAGE OF THE EXPERT COMMITTEE REPORT.

R2(c) : COPY OF THE JUDGMENT DATED 07/09/2005 IN WP(C) No. 20344/2005.

ANNEX. 1 : COPY OF THE JUDGMENT DATED 24/11/2004 PASSED BY THIS HONOURABLE COURT IN WP(C) No. 27119/2003.

ANNEX. 2 : COPY OF THE KERALA CAPTIVE ELEPHANTS (MANAGEMENT & MAINTENANCE) RULES 2003.

ANNEX. 3 : COPY OF THE JUDGMENT DATED 07/09/2006 PASSED BY THIS HONOURABLE COURT IN WP(C) No. 20344/2005.

ANNEX. 4 : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 24/03/2007.

ANNEX. 4(a) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 28/03/2007.

ANNEX. 4(b) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 28/03/2007.

ANNEX. 4(c) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 31/03/2007.

ANNEX. 4(d) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 02/04/2007.

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ANNEX. 4(e) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 05/04/2007.

ANNEX. 4(f) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 09/04/2007.

ANNEX. 4(g) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 09/04/2007.

ANNEX. 4(h) : COPY OF THE NEWS ITEM IN MALAYALA MANORAMA DATED 09/04/2007.

ANNEX. 5 : COPY OF THE REPRESENTATION DATED 24/02/2007 SUBMITTED BEFORE THE CHIEF SECRETARY TO GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.24966 & 29760 of 2006

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Dated this the 11th day of April, 2007.

ORDER

Since this court proposes to issue general directions to the respondents pertaining to maintenance of captive elephants, Devaswom Boards in Kerala which have the largest stock of elephants also are required to be impleaded as respondents. Accordingly, the Commissioners of Guruvayoor, Travancore and Cochin Devaswom Boards and the Commissioner, Hindu Religious and Charitable Endowments Department are impleaded as additional respondents in these W.Ps. The petitioners will serve copies of writ petitions on Standing Counsel for the respective Devaswom Boards and G.P. will take notice for Commissioner, HR & C Department.

2. There will be interim direction to the State Government and to the Chief Wild Life Warden to ensure that Captive Elephants (Management and Maintenance) Rules, 2003 and the latest guidelines issued on 23.3.2007 by the Chief Conservator of Forest and Wild Life Warden, particularly pertaining to availability of required quantity of feed and drinking water for the elephants by the temple authorities and others engaging elephants, are

strictly enforced. No elephant underfed or unfed should be made to participate in any festival, show or function. The Authorised Range Officer or the person entrusted with enforcement of the Rules should ensure that feed stock at 250 Kgs per day per elephant and together with it required quantity of drinking water are available for every elephant engaged in any festival or show. There will also be direction to the enforcing officer to prohibit engagement of elephants in any festival, procession or celebration from 11 a.m. to 3 p.m. until further orders. It would be open to the Government to authorise Revenue or Police officials as well to enforce the Rules because adequate number of Forest Range Officers may not be available everywhere for enforcement of the Rules.

Post along with C.O.C. No.403/2007 after vacation.

Hand over. Issue copy of order to all respondents also.

C.N.RAMACHANDRAN NAIR
Judge

pms